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ABSTRACT

The process of organizing content for a course in academic English as a Second Language is discussed, specifically as it applied to construction of a course for first-year law students at the University of Hong Kong. Discussion focuses on issues that emerged while trying to reconcile the university English center's curriculum policy with student needs for specific skills and content and with the different techniques and styles of the four language teachers involved. A needs assessment was conducted by interviewing law students and teachers, observing classes, and surveying one large class. Three major concerns emerged: student difficulty with the quantity and nature of legal reading required; desire for more oral skill development; and preference for emphasis on legal rather than general English. The course designers decided to limit content largely to tort law, one of five areas of emphasis in the first-year program, with flexibility to respond to specific learner needs as they emerge. It was found that in the process of designing the course and determining its content, considerable negotiation was required to accommodate faculty and student needs within the constraints of course length and intensity, and that a clear idea of goals and objectives was essential. (MSE)

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Laying Down The Law?
Reflecting On Course Design in Progress

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This paper sets out to articulate and reflect upon the tension that can arise between prescription and negotiation in designing a short course in English for academic purposes. This tension, which the authors believe can eventually benefit learners and encourage learning, is explored in the context of an account of work in the initial design phase of a course for first-year law students at the University of Hong Kong, with special attention being paid to the choice of topical content for the course. The paper considers how constraints of sequentiality (temporal and expository phases or "stages") can be reconciled with other aspects of a curriculum, how the relationship may develop between the ideological position(s) of the course designer(s) and an initial specification of course goals, and how both a statement of goals and various implementational constraints may bear upon the course itself. Implications are drawn for accountability to learners and others with an interest in curricular decisions and their consequences.

Introduction

Recent accounts of curriculum design emphasise that a curriculum does not develop in a simple linear fashion that starts from a needs specification and proceeds via syllabus design and materials production to stages of implementation, assessment and finally evaluation of the curriculum. Following Johnson (1989), we take a curriculum to include "all the relevant decision making processes of all the participants" (Johnson, 1989, p. 1). This conception gives teachers and learners a major ongoing role in constituting a curriculum through the continuing choices that they make as a course develops; these choices will also affect the future starting point of later realisations of that course. An entire curriculum, then, is not something that is developed by course designers. Drawing on studies of teacher practice, Nunan (1988) proposes "a negotiated curriculum model... in which much of the consultation, decision making and planning is informal and takes place during the course of programme delivery" (p. 3). Hargreaves (1989) challenges "linear and discrete" treatments of "the three major aspects of a project - design, implementation and evaluation" and puts forward a cyclical and integrated view of these aspects (Hargreaves, 1989, p. 35); Hargreaves uses the deliberately cumbersome term "DES-IMPL-EVALU-IGN" to evoke the inadequacy of linear sequence in conveying this kind of relationship. Brindley (1989) similarly envisages a cyclical process of experience and consultation in learner-centred classes that enable objectives to be renegotiated in light of feedback. Clark (1987) extends negotiation processes beyond the lifetime of a single course in calling for continuing commitment to curriculum renewal.

Linear sequence nevertheless remains a powerful constraint upon both texts and procedures, perhaps most markedly so when a course is first being prepared. Our concerns in this paper will be situated in such a planning situation. Though initial course design must anticipate all aspects of a curriculum, it appears directly to involve only the first two of the "four stages or decision points in policy implementation" proposed by Johnson (1989, p. 2):

- curriculum planning
- ends/means specification

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- programme implementation
- classroom implementation.

Emphasising that an initial analysis of needs (ends) does not itself produce a teaching syllabus, Brindley (1989, p. 64) nevertheless observes that some form of needs analysis appears indispensable as a starting point in course design. For reasons of space and our own focus, we shall not discuss theoretical issues in needs analysis here: Brindley (1989) and Berwick (1989) both offer thoughtful accounts of different kinds of "needs" and of various problems and limitations in making use of this concept, including ways in which we might usefully distinguish between needs identified by analysts and those expressed or experienced by learners.

Course design in a context

In this paper, we shall attempt to characterise issues and tensions that arise during the initial phase of course design, with particular reference to the development of a 40-hour English enhancement course for first-year Law students at the University of Hong Kong (HKU). A starting point in course design appears to us to be required if learners on arrival are to receive clear indications of the initial expectations of teachers across different classes on "the same" course. A common frame of reference for a course also has implications for such matters as comparability of workload, and assessment procedures across classes, which are important to learners and others concerned with a course. Given these convictions and a commitment to action, it becomes important to ascertain and evaluate what happens when such a frame of reference is established, who has a say in this, what issues are determined by the initial frame and what are left open to judgments or preferences of teachers and learners during later implementational stages or decision points in a curriculum.

A course is planned within a context of earlier decisions and persisting assumptions, not all of which have necessarily been articulated. Robinson (1991) observes that "any well established ESP centre or other ELT institution has its own ideology relating to course design, to syllabus type, to the description of language and to the nature of language learning" (p. 35). In this light, we believe that course designers need to make explicit their understanding of their own ideological stance(s) as (members of) a course team and how this stance relates - in terms of realisation or contrast, for example - to the prevailing or emerging ideology of the centre in which they teach. Such explicitness has its dangers. Although a position statement that is open to discussion is intellectually and ethically preferable, the impact of a specified "policy" may render it harder for those most committed to that policy to reconsider their stance later. The tension between a maintenance of purposeful action and an openness to alternatives poses a constant challenge to course designers.

In light of the commitment made by many teaching centres (we would include our own) to responsible experimentation with new approaches, Robinson (1991) asserts that: the key question for any new ESP course is how far can and will the course designers modify their existing approaches. How far will the ESP course represent an innovation? (p. 35)

This is, at any rate, a significant question for the course design stage. Before giving a reflective account of course design in progress, we need to outline what we see as the existing approach constituting our point of departure within our teaching centre and more widely in the university. We shall then indicate difficulties that can arise in promoting genuine negotiation in a curriculum whose parameters have already been set by course designers and others in positions of power, influence and responsibility.

Some of the principles that are highly valued and actively pursued in course design in the English Centre (EC) at HKU are teachers' responsiveness to learners, encouragement of diversity in teacher and learner activity, and encouragement of learning through tasks or projects rather than from didactic teaching. Whether the underlying philosophy is "learner-centred" (Nunan, 1988) or "learning-centred" (Hutchinson and Waters, 1987) is a matter we leave open at this point, while noting that learners themselves, particularly in our context, are not necessarily averse to didactic teaching. In a teaching-learning situation where most learners come to HKU with more than ten years' experience of English in schools, EC courses are designed to enhance academic

communication in English in a broad sense, and especially to develop learners' capacities to focus on an issue, and to articulate a response or reaction to it, while taking account of source materials (texts or other data). Reasons for this emphasis include the wish to provide a new context for advanced language learning and practice (not excluding attention to "basics" that arise), a professional recognition that learners do in fact learn different things in different ways in the course of class activities, and a conscious rejection of a "remedial" philosophy in favour of an educational account of English language teaching undertaken at university level. This broadly sketched set of values and understandings constitutes one major frame of reference as decisions about courses are made.

The decisions of course designers are not formulated in an institutional vacuum. In our case, the EC is expected to design and run English enhancement courses for all undergraduates, normally in their first year, by 1995. This policy decision by the university's Senate in 1991 provides the framework for our choice of goals and expected tasks as our group designs an English course for Law students.

Room for negotiation?

Sceptical accounts of 'negotiation' with learners over curriculum choices portray this process as open to cynical manipulation. Referring to schools, Kohn (1993) attacks "the practice of letting children *think* they are making a decision when they have no real power to do so" (Kohn, 1993, p. 254). Wilkins (1987) remarks that he has "always felt that if the process of negotiation with learners were really to be taken seriously, it should be extended to negotiating whether English should be learned at all... Similarly, any process of negotiation would be a deceit if it were merely an indirect way of leading learners towards objectives that had already been set" (Wilkins, 1987, p. 226).[1]

'Negotiations' that take place within a framework of predetermined decisions are unlikely to satisfy those who would prefer to contest or reshape the framework itself (e.g. students wishing to avoid a compulsory course on their chosen degree programme). Yet attempts to negotiate aspects of a curriculum within that framework are not necessarily deceitful or manipulative, and some degree of negotiation over who does what during course implementation is clearly a fact of life. More generous interpretations of teachers' and course designers' motives and practices can be suggested, such as providing a sense of direction for the course - in the senses both of a purposeful orientation and a measure of control to this end - while also seeking to involve learners in making choices about their own learning, on the grounds that this can motivate learners and encourage subsequent learning. (Slimani, 1992, offers evidence that topical choice by learners in classroom discourse is more salient to other learners than topics introduced by the teacher.) Learners may quite reasonably consider it part of the teacher's responsibility to promote learning and to ensure as far as possible that class time is spent in pursuing learning goals. (Wong-Fillmore, 1985, discusses the contribution, in some class settings, of the teacher's role in structuring activities that promote learning.) What seems to us crucial for fair practice is that negotiations that a teacher initiates with learners should take place on issues on which learners' views and wishes can actually influence outcomes (an example might be the choice of a class research topic for a small project). Any mere illusion of learner choice, on matters in which a prior decision by a teacher or another authority is actually being dissimulated, is something that we would contest on ethical and practical grounds, favouring instead an explicit decision that is clearly explained by the teacher with reference to the educational goals of the course.

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[2] Charges that 'negotiation' in course design is only a semblance are not confined to discussions with learners. Commenting on the ambivalence of English teachers towards judgments of subject teachers, Raimes (1991) judges that when subject-area faculty "do not support what ESL teachers and researchers expect, it is tempting to discount their perceptions" (Raimes, 1991, p. 417). While it is indeed important not to set aside inconvenient truths, we also suggest that faculty and others still expect ESL course designers to exercise judgment in taking account of the often conflicting information and views they receive.

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Course design in progress: an illustration

Needs analysis

In setting out to design a 40-hour English enhancement course for first-year Law students at HKU, we were conscious of the constraints and perspectives placed on course development and implementation by institutional logistics, by views and values that characterise our own teaching context, and by the need to take account during planning of the cyclic nature of a negotiated curriculum. As a first stage in designing our course, we went ahead with several fact-finding tasks to identify areas of observable or expressed needs from two main perspectives: those of law students and law teachers. To a certain extent, interactive processes in the law classroom were also explored. This needs analysis was undertaken late in the academic year, and outcomes of the analysis did not directly affect the students we consulted.

Our needs analysis proceeded in four stages:

Stage 1 Interviews with law students
Stage 2 Interviews with law teachers
Stage 3 Observation of law classes
Stage 4 A questionnaire survey

Four English Centre teachers were involved in this exercise. Only a brief general account of procedures and outcomes can be given here. Some information that relates to our choice of topical content in designing the course will receive attention at a later stage.

Stage 1 Learner interviews.
Each teacher interviewed students in groups of not more than five for about an hour. Altogether 60 students were interviewed in 14 sessions. Each teacher took notes and wrote an account of each interview; two of the four teachers had recorded interviews. On a basis of previously agreed guidelines for teachers, all the interviews gave attention to the nature of the tasks that students had the greatest difficulty with, the law course(s) they found most problematic and what they would have liked an English course tailored for them to focus on. Each session was otherwise free to develop according to interests and initiatives of individual teachers and students.

Stage 2 Law teacher interviews.
Twelve first-year law teachers were interviewed separately for about an hour by individual English Centre teachers. Teachers had an initial checklist of topics, but did not attempt to structure the interviews tightly. The law teachers' views were sought especially on topics such as:

- how homogeneous is the student population in terms of English language competence
- how well are students coping with lectures/tutorials and the related readings
- what are the typical tasks that students have to perform in tutorials and how well do they succeed
- how can an English course fit into the law curriculum: e.g. whether certain students should be exempted; how many contact hours in a week are desirable and feasible; whether a pairing is possible between a law course and the English course in order to promote appropriate text based activities and mutual reinforcement of course goals.

Stage 3 Observation of classes.
One lecture, one seminar and two tutorials, about an hour long each, were observed so that course designers could get some firsthand impressions of classroom behaviour. Observers took notes and wrote short accounts of what they had seen. More extended and systematic comparisons were not feasible within the timescale of the needs analysis.

Stage 4 Questionnaire survey.
A questionnaire was designed to obtain a profile of the demographic background of the law students at HKU and, in light of information from the previous stages, to identify more precisely the extent to which different learning needs were felt to be important. The questionnaire was administered in a law lecture and 87 students responded. The lecture audience was not wholly representative of the year group (150 students): students with lower English language scores (grade D Use of English) and mature students appear to have been under-represented. Mature students in the sample tended to rate themselves as having fewer problems, but their responses regarding an English course were not distinctive.

Outcomes

The findings from each of the above activities were written up, compared and discussed by the four teachers to offer, within limits of time, a well grounded interpretation of the learners' communicative needs in the Law Faculty. Individual differences in focus and emphasis among the teachers were apparent (e.g. one teacher commented on critical awareness of language and educational matters among members of the law faculty; another reported work with students to ascertain reading speed), but these perspectives proved complementary rather than incompatible. Our emerging interpretation suggested a profile of learner needs with three most salient characteristics:

1. Most have difficulty with legal reading. These difficulties concerned both the quantity and the nature of reading that was assigned.
2. Most would like to have more oral work in class.
3. Most would prefer the English course to focus on legal English, rather than general English.

Although many other needs or areas of interest were also mentioned, our needs analysis suggested that we could best serve our prospective learners on an initial EAP course by preparing a course that would be very much based on legal text with a heavy emphasis on reading interpretation and oral argumentation. (A separate course aiming to improve students' legal research and writing skills already formed part of the law curriculum.) Such a course appeared best to accommodate what we had found to be the most salient observed and self-perceived needs of first-year law students.

Course design: selection of topical content

As course designers, we needed to arrive at some kind of synthesis of the body of information we had collected, and consequently to determine course goals and develop a curriculum framework. We were conscious that any negotiations on these matters before the course was actually implemented would only involve two parties, the course designers and the law tutors. It is at this stage, when course designers are physically and temporally isolated from learners, and are acutely aware of resource limitations and deadlines, that the most well intentioned of course developers are in danger of moving too far in the direction of a prescribed course product and away from the adoption of strategies that will encourage negotiated curriculum development as the course actually takes place. Nevertheless, decisions had to be made which would, inevitably, foreclose certain options and pre-empt the negotiation of dependent issues.

The primary aim of decisions made by course designers in a planning stage is to maximize the efficiency of curricula, which Yalden (1987, p.86) has described as lying along two dimensions: 'pragmatic' (in our case the efficient utilization of 40 course contact hours) and 'pedagogic' (economy in the management of the learning process). It is not possible here to examine all the decisions that we made, and we have elected to pursue our concerns in this paper by commenting on the choice of topical content for the course we have designed for law students. We will look briefly at the 'negotiation' process which preceded it, the reasons for our eventual

selection of content and the implications of our choices for further negotiation once the course begins. We are specially interested in the implications of our choice at one level of generality (to focus on 'legal' English) for choice at another level (which of five possible first-year law course 'contents' should we select?). It seems to us that our first choice is well motivated in terms of views expressed by students and staff, as well as professional considerations on our side, but it needs explicit justification nonetheless. Our second level of content choice, which is more narrowly motivated, will provide a point of interesting tension between what we were told, especially by students, and our own eventual choice of topical focus.

The first choice: legal English

In envisaging a course oriented towards 'legal' content, we were not simply applying an institutionally sanctioned set of 'widely valued principles in course design' of the kind mentioned earlier. Indeed, only a minority of the enhancement courses offered so far at HKU by the EC have adopted a 'narrow angle' view of content. Our ESP Engineering and Science courses, for example, derive their content more from longer term professional communicative needs of the learners than from the immediate demands of the academic context. However, we took (and continue to hold) the view that a content-based curriculum appears, at least *prima facie*, to be particularly appropriate to the legal syllabus. There are at least two sets of reasons for this: all students follow a common curriculum, and language plays a central, demanding and distinctive role in that curriculum. On the first point, we were aware of potential advantages, in terms of student motivation and task focus, of adjunct courses when ESL students share the same subject content (Snow and Brinton, 1988; Johns, 1990). Regarding the second point, Bhatia (1989) remarks that:

> Of all the specialist disciplines that an ESP practitioner may be called upon to design and teach language support courses for, perhaps in none of them the need to integrate the specialist content and the language used to communicate it is greater than in Law (Bhatia, 1989, p. 223)

Howe (1990), and Harris (1992) have subsequently supported this approach with respect to English for academic legal purposes (EALP), which rests on the view of the legal profession itself that legal concepts and the language through which they are expressed form a dense and precisely interwoven texture. In this respect law differs from other disciplines, particularly the sciences and technologies, which often have available alternative graphic and symbolic codes through which to convey meanings. It needs to be kept in mind also that successful law students will need to attain particularly high standards of precision and rigour in specialised uses of language. Our initial orientation to this approach to course content was, therefore, largely linguistically motivated; we were aware that the content of the law syllabus would be more likely than a 'para-legal' specification of content to generate the kinds of course structures and tasks that could effectively address the needs of law students needs within the restricted time frame of the course.

Any pedagogic advantage, though, could quickly be nullified if a content-based approach proved unwelcome to learners. When we asked students and teachers in the course of interviews to react to the idea of a closely content based course, we in fact elicited a generally, though by no means universally, positive response. Extracts from our notes of these meetings, presented in Figure 1, exemplify a range of views. Most responses, nevertheless, were either sceptical about the value of a general English course at some remove from the language of law or at least saw a focus on legal language as an added benefit. In the questionnaire survey, 50 out of 71 student responses concerning the single most important area for an English course to concentrate on also specified some aspect of legal English. Staff views, while varied, were predominantly favourable to a focus on legal content, provided that English teachers were not daunted by this prospect.

Figure 1. A selection (from teachers' notes) of staff and student views on course content.

Staff	Students
'She does not believe in the efficacy of a separate course in English or in the present Legal Research and Writing course - skill divorced from substance, although when I outlined a possible adjunct model of an English course she voiced doubts as to whether it would work.'	'In terms of topics, students expressed a desire for controversial current issues (something other than the law.'
'The problem is with English, not legal English.'	'Not really necessary to concentrate on simple basic English - we need a course to guide us to read judgments, law texts, some other just more specialized texts.'

In short, we eventually opted for a close focus on legal content because it seemed to be the most efficient way to proceed on both linguistic and motivational grounds. However, as far as the minority of students who saw the course in terms of more broadly-based content are concerned, our decision means that negotiations on this issue are, for the time being, over. In effect, we have allowed our own reasoning to take precedence over whatever reasons some of the students may have had for not wanting a content-based course. This already raises the question of how far course-designers can go in imposing their decisions on a significant minority of learners, and on what issues they can do so, while continuing to lay legitimate claim to a learner-centred orientation.

The second choice: tort law

The topical content of the English enhancement course for Law students at HKU was eventually made explicit in the following general statement of course goals:

> 'To enhance the linguistic and communication skills needed by students to solve legal (and in particular, tort) problems...'

Learners, it has been decided, will work not just on 'legal' problems but on a sub-set of 'tort' problems. The first year law course comprises five, roughly equally weighted content areas of which tort law is just one: the other courses are contract law, legal research and writing, law and society, and legal system. How and why, then, was tort law chosen as the specific topical focus for the English enhancement course?

There was no unanimous or clearly dominant view among law staff and students on a preferred choice of adjunct course. In interviews, the large majority of both staff and students had mentioned two of the five courses, Law and Society and Legal System, as problematic. On the other hand, staff had pointed to tort law and to a lesser extent contract law as the most basic and generalisable courses in terms of legal principles. In our later follow-up questionnaire, when we asked which subject area would provide 'the most suitable content focus' for the English Enhancement course, most student respondents favored Legal System (30%), Legal Research and Writing (21%) and Contract (20%). Only 12% opted for Tort Law, and only 10% mentioned Law and Society (despite the earlier prominence of Law and Society in terms of perceived difficulty). The questionnaire did not provide for second choices (though a few "other" responses gave two choices, tort being one) and was administered too late to allow further follow-up interviews with students.

A decision on course content was eventually made by the course coordinator. He opted for tort law as the most suitable focus on grounds of curriculum organisation, feasibility and generalisability. In taking this position, this staff member, who has a first degree in Law, assumed a role as 'knowledgeable arbitrator', albeit a partial one - his partiality, of course, being directed towards the team's collective purpose of carrying the design of the curriculum a stage further. This planning decision was explained to and endorsed by the course design team as a whole.

Since it clearly does not reflect a 'first past the post' choice on the part of student respondents, the choice of tort law as focus calls for scrutiny. First of all, the choice of one single subject area needs justification. Another approach to legal English would have been to select topics from each of the five courses and to structure the course around some kind of thematic, skills or genre-based linkage between them. However, this ostensibly attractive solution appeared to the course designers to have at least three serious drawbacks. Firstly, teachers would need to understand all the subject areas in some depth; secondly, in the absence of any explicit attempt on the part of the Law Department itself to synthesise some kind of metalegal knowledge structure from all four subject areas, we might perhaps have been seen as going beyond our brief as language teachers; thirdly, this strategy would in any case not have substantially increased opportunities for in-course negotiation of content with students, because the range of content involved would have required careful pre-selection and structuring. Deriving content from one course alone, therefore, remained our preferred option. Moreover, this strategy appeared to offer the added benefit of providing the element of thematic continuity within which skills could be recycled (a consideration of pedagogic efficiency).

The decision to focus on a single subject area was motivated by the need to employ resources efficiently. We had proceeded on the assumption, and this is, of course, a debatable assumption in any situation, that as course designers and teachers we would at some point need to know as much about whatever content we focused on as our students (see Robinson, 1991, pp. 84-88 for a full discussion of this issue). It was clear that we would only be able to reach this standard by delimiting the content base of our course. (The basic reading requirement for the tort course is some 750,000 words, for all five courses, probably somewhere in the region of 5 million). We would also need to select a course that was relatively accessible to non-specialists, both to make things more manageable for teachers and to ensure that what was learned was relevant to 'legal English' and not just to some exclusive area of specialisation. In the light of advice from the head of the law department, these considerations effectively restricted our initial options to just two choices: tort law or contract law.

The tort course appeared to offer the best possibilities for maximizing pragmatic and pedagogic efficiencies. The tort course was eventually chosen mainly because it gave us access to the central function of the academic legal process: problem solving. Its content and procedures are therefore well suited to the structuring of a language curriculum around it, particularly one which itself envisages a problem-solving approach to language learning. Problem solving is not, of course, uniquely a function of the law of tort; it plays a pivotal role in virtually every other subject in the undergraduate curriculum in later years, particularly in criminal law, evidence, trusts, and family law. We therefore felt that skills acquired by learners in working on tort issues would substantially overlap with the skills required on other courses (including other first-year courses) and would, we hoped, be readily transferable to those courses as well as to later professional practice.

The subject of contract law, though it could offer similar advantages, seemed less suitable as it is much concerned with commercial abstractions, such as 'uberrimae fidei' (utmost good faith) contracts of insurance, bills of lading, void and voidable contracts, etc. Tort, on the other hand, arises from the accidents of everyday social interaction. From a psycholinguistic perspective, therefore, tort issues are more likely to fall within the existing schemata of our students and ourselves. As language teachers, we are then in a better position to address the linguistic objectives of the course without having to prepare the ground conceptually.

Finally, logistical considerations motivated the choice of tort rather than contract. It so happens that in the Department of Law at HKU two modes of teaching the law of contract are practised. There are thus effectively two courses, with half the students being allocated to each course. This arrangement was not therefore conducive to establishing the kind of 'common frame of reference' for our course, which was alluded to earlier. In contrast, the course in tort law would be designed by one lecturer (with a team of tutors) who was enthusiastic at the prospect of collaborative activity involving the new EC course. The final decision was therefore quite easily made.

Implications of content choices for course implementation

What are likely to be the practical implications of decisions about course content at the stage of course implementation? Will it still be possible for individual learners or groups of learners to renegotiate the question of content? The answer to this latter question is that theoretically, such re-negotiation would be consistent with our course goals, one of which states that the course will:

> 'provide practice ...in timely response to the felt needs of the students and subject teachers during the course'

In reality, however, some of the decisions made early on in the design process cannot be opened up for re-negotiation without substantial losses to efficiency, and ultimately it is the course designers and teachers who are accountable for the efficient use of resources. Teachers are likely, for example, to have spent considerable time before the course begins in familiarizing themselves with the general principles of tort law. Task frameworks or materials may have been developed, drawing on specific cases, statutes and legal problems. Teachers may also have been briefed by and paired with the Law Department tutors responsible for teaching the tort course. The choice of tort law, therefore, may be an instance where clear explanation rather than renegotiation will be appropriate when the course takes place.

The curricular framework, however, provides for substantial negotiation on specific content as the course takes place. The course designers take the view that on-going negotiation of particular cases, specific legal issues (as components of a single set `problem'), individual judgments rather than entire cases, sections of statutes, etc., will prove essential in ensuring active learner participation and effective learning outcomes. This will mean that teachers need to respond on a week by week basis to requests from learners (and from law tutors) to base activities and tasks around specific learner-selected content. Eventually, the course will be summatively evaluated, after which, if necessary, it will be practically possible for course designers to re-negotiate their original decisions, and in particular the decision to select tort law as content, in making plans for later versions of the course.

Conclusion

Although we retain the concerns over 'prescription' that first prompted us to write this paper, we have by now become more cautious about 'negotiation' in the context of curriculum design. We have taken stock of the evident fact that, in a preliminary course design stage, there will often be no learners available to negotiate a curriculum with in person. While it remains highly desirable to consult with existing students (taking the case of an EAP course in this university) to find out what they think a course for future students should be like and should seek to achieve, this is not the same as negotiating with future learners: things may look different by the end of a year, and when future decisions do not affect students personally. There may also be a period of some working months when existing first-year students are no longer available in their classes. During this stage, in the present case, any further 'negotiation' of goals and priorities has been handled internally within the course design team, in the light of findings from the needs analysis activities (and of limited additional consultations with two members of the Law Faculty). The learners' salient needs, as analysed and interpreted by the course designers, can be portrayed as guideposts that - in a related sense of the term - can help course planners 'negotiate' a way through a terrain that allows for different possible exploratory routes.

Whether an emerging philosophy in our Centre should in time be expressed as 'learning-centred' or 'learner-centred' is for us a matter of emphasis rather than controversy. We would like to emphasise strongly that concerns for learning and for learners are inseparable. A concern for learners as people must give prominence to their role and their (predictable and actual) expectations as learners in a class setting, and also to what others will expect of them in the wider educational and community contexts. Learners have a right to expect that the course they are

taking has recognisable and motivated purposes and procedures, while also proving responsive to their own learning interests and needs. On a short course in particular, negotiations over what is done, and how it is done, can be expected to take place within a framework of decisions that course designers have reached through efforts to synthesise the views and observations of staff and students and to determine what may be achieved within constraints of course duration and intensity. What appears essential to us is not that everything should be negotiable, but that it is made clear why a course is being taught, and taught in the way that it is, and what ongoing curricular choices will genuinely involve the learners. Maximizing these areas of choice is desirable from the perspective of commitments to promoting learner responsibility and participatory decision-making. Periodic reconsideration of the 'initial' course framework by course designers in the light of feedback from students and others is also an essential part of curriculum evaluation and renewal, and of accountability to all concerned groups.

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First words

Relax, Mummy ~
give me a break ~
I 'm only seven days conceived.
I don't want to stay up
marking scripts, writing papers.
Baby labour is inhuman ~
it's also against the law.
Human rights, legal sanctions aside,
just for selfish reasons, you should stop.
If now you keep me up,
Later, you'll suffer ~
nocturnal habits die hard.
It's never too early, the experts say,
to train a baby in pacific ways

Agnes Lam